IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Revision No.104 of 2006

DATE OF DECISION: NOVEMBER 7, 2006

Harpal Singh

...PETITIONER

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vikas Bahl, Advocate,
for the petitioner.

...

The petitioner has filed this criminal revision against the judgment dated 15.9.2005 passed by the Chief Judicial Magistrate, Nawanshahr, whereby accused respondents No.2 to 6 have been acquitted of the charges framed against them under Sections 148/440/452/506 IPC.

I have heard the counsel for the petitioner and gone through the impugned judgment.

As per the prosecution version, on the intervening night of 28/29.11.1998 when the complainant (general power of attorney holder of Jarnail Singh, the owner of the house) was away from the house and his wife and daughter were in the house, then accused Gurcharan Singh along with 50-60 other persons came in a truck and after entering into the house, demolished the boundary wall of his house. It was further the case of the complainant that aforesaid Jarnail Singh, the owner of the house, constructed the house in question on the land which came to his share in the family settlement dated 16.1.1996. Subsequently, accused Gurcharan Singh got sanctioned a mutation which on appeal was also set aside and the

agreement dated 16.1.1996 was found to be correct. The trial Court after considering the evidence led by the prosecution came to the conclusion that no offence under Sections 148/440/452/506 IPC was made out against the accused. This conclusion was arrived at on the statement of PW2-Gagandeep Kaur, who in her cross-examination has admitted that Gurbachan Singh was co-owner in the property in dispute. She has also admitted that Gurbachan Singh along with Jarnail Singh were in possession of the suit property. Similarly, PW4-Bakhshish Kaur also admitted that the boundary wall of the house in question was not demolished and the same is still in existence. In paras 12,13 and 14 of the judgment, the trial Court has discussed in detail the evidence of the prosecution and after noticing various admissions and contradictions in their statements, came to the aforesaid conclusion.

Counsel for the petitioner could not point out any illegality or infirmity in the judgment passed by the trial Court. In my opinion, no second view is possible.

Hence, criminal revision is dismissed.

November 7, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE